

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 21-0571 JB

ERIC LEE GARCIA,

Defendant.

AMENDED ORDER FOR LOCAL COMPETENCY EVALUATION

THIS MATTER comes before the Court on the parties' Joint Motion for Competency Evaluation. Doc. 23. Defense counsel, having interacted with Mr. Garcia, has raised concerns about Mr. Garcia's current ability to understand the charge against him, the proceedings, and the seriousness of the allegations against him, and whether Mr. Garcia is able to assist in his defense. Upon the honorable Judge Fashing's order, a competency evaluation was performed by Dr. Julie Brovko. Doc. 12. Dr. Brovko opined she had insufficient data to make a competency determination. Doc. 18. Parties' Jointly have requested a second local competency evaluation by Dr. Alexander Paret. Doc. 23. The Court, finding good basis, hereby orders pursuant to 18 U.S.C. § 4241(b) that a psychiatric or psychological examination be conducted by Dr. Alexander Paret, Ph.D., and that a report be filed pursuant to the provisions of 18 U.S.C. §§ 4247(b) and (c).

IT IS THEREFORE ORDERED that pursuant to 18 U.S.C. §§ 4241 and 4247, the following:

1. A local psychiatric or psychological examination shall be conducted by Dr. Alexander Paret, a licensed or certified psychiatrist or psychologist who is designated as an

examiner under the provisions of 18 U.S.C. § 4247(b), and a report shall be prepared. Dr. Paret will conduct the examination and prepare the report as described below.

2. Dr. Paret shall promptly file a report that contains all the information required under 18 U.S.C. § 4247(c)(1), (2), (3), and (4)(A), including:

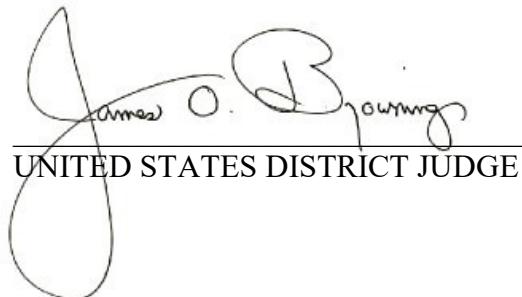
- (1) Defendant's mental health history and his present symptoms
- (2) A description of any psychological, psychiatric or other medical tests which were employed by the evaluating psychologist or psychiatrist and the results of any such tests;
- (3) The evaluating psychologist's or psychiatrist's findings and opinions as to defendant's present mental or medical diagnosis and prognosis;
- (4) The evaluating psychologist's or psychiatrist's assessment of whether defendant suffers from a mental disease or defect which prevents or impairs his ability to understand the nature of the charges and the consequences of the proceedings or to consult with his lawyer with a reasonable degree of rational understanding; and
- (5) If the defendant does not presently have a rational or factual understanding of the charges or presently does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding, the evaluating psychologist's or psychiatrist's assessment of whether there is a substantial probability that the defendant will attain either of these capacities in the foreseeable future.

The psychiatric or psychological report order shall be filed with the Court under seal with copies provided to counsel for Mr. Garcia and the United States.

3. A copy of this Order shall be given to the United States Marshal and the United States Pretrial Services Office. The Marshal shall make arrangements as are necessary for the examination of Mr. Garcia.

4. Dr. Alexander Paret shall be compensated as an investigator up to 30 hours at a rate of \$175.00 per hour.

IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(1)(A), that any period of delay resulting from the Joint Motion for Competency Evaluation (Doc. 23), filed on June 9, 2021, through and including the termination of any proceeding, including any examination or hearing to determine defendant's mental competency, shall be excluded for purposes of calculating the defendant's Speedy Trial Act rights.



James O. B. Gowing
UNITED STATES DISTRICT JUDGE